

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-297-RJC-DCK**

IMPULSE MONITORING, INC.,)

Plaintiff,)

v.)

**MEMORANDUM AND RECOMMENDATION
AND ORDER**

HUMANA HEALTH PLAN, INC.,)

Defendant.)

THIS MATTER IS BEFORE THE COURT on the parties' "Joint Motion To Stay"

(Document No. 8) filed June 19, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and noting consent of the parties, the undersigned will grant the "Joint Motion To Stay." Noting the likelihood of significant delay in this matter while the parties negotiate settlement, the undersigned will also recommend that the pending "Motion To Dismiss" be denied without prejudice.

IT IS, THEREFORE, ORDERED that the parties' "Joint Motion To Stay" (Document No. 8) is **GRANTED**.

IT IS FURTHER ORDERED that all deadlines in this matter, including that requiring the Plaintiff or the Defendant to file any responsive pleadings are stayed while the parties engage in global settlement negotiations of this and approximately sixty-six (66) other similar matters between them. Unless the Court is notified at an earlier date of a related settlement or non-settlement, the parties shall report the status of their negotiations through a joint filing on or

before **sixty (60) days** following the entry of this Order, and every **sixty (60) days** thereafter, until the **STAY** is lifted or the case is closed.

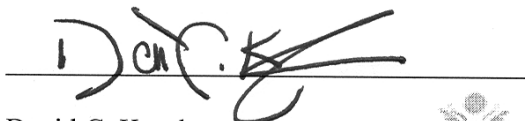
IT IS RECOMMENDED that Defendant's "Motion To Dismiss" (Document No. 5) be **DENIED WITHOUT PREJUDICE**.

TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed **within fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to de novo review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

SO ORDERED AND RECOMMENDED.

Signed: June 20, 2014



David C. Keesler
United States Magistrate Judge

